



US EPA RECORDS CENTER REGION 5



407130

206102

Office of the General Counsel

Ford Motor Company  
Parklane Towers West, Suite 401  
One Parklane Boulevard  
Dearborn, Michigan 48126

April 22, 1988

VIA FEDERAL EXPRESS

Ms. Susan Swales 5HE-12  
U.S. EPA - Region V  
Waste Management Division  
CERCLA Enforcement Section  
230 South Dearborn Street  
Chicago, Illinois 60604

Re: Ninth Avenue Dump, Gary, Indiana  
U.S. Scrap, Chicago, Illinois

RECEIVED  
APR 25 1988  
U.S. EPA REGION V  
WASTE MANAGEMENT DIVISION  
OFFICE OF THE DIRECTOR

Dear Ms. Swales:

Enclosed is Ford Motor Company's response to the Information Request concerning the above-referenced sites contained in the U.S. Environmental Protection Agency's General Notice Letter and Information Request dated March 9, 1988 ("letter").

As you will see from the response, a search conducted at Ford's Chicago Assembly Plant to which your letter referred did not disclose information or documents relevant to these sites. We, therefore, cannot independently confirm the assertion in the letter that Ford is a potentially responsible party with respect to these sites. Thus, we reject at this time the U.S. EPA's demand for payment as stated in your letter and are unwilling at this time to perform or finance the forthcoming response activities at the sites as described in the letter.

Ford has not been involved in discussions with state or local authorities, engaged in voluntary clean-up action or involved in a lawsuit involving these sites and, therefore, has no status to report or response copies to provide as requested in the letter.

As I will be handling the legal aspects of this matter on behalf of Ford, further contact with Ford should be directed to me addressed as follows:

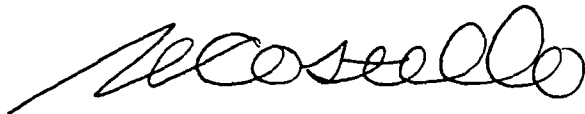
Robert E. Costello, Senior Attorney  
Office of the General Counsel  
Ford Motor Company  
Parklane Towers West, Suite 401  
One Parklane Boulevard  
Dearborn, Michigan 48126

I may be contacted by telephone at (313) 322-1966.

I request, pursuant to the United States Freedom of Information Act, 5 U.S.C. §552, any documents or other information indicating that Ford Motor Company sent waste to the Ninth Avenue Dump in Gary, Indiana or the U.S. Scrap Site in Chicago, Illinois or otherwise connecting Ford to these sites or which were relied upon by the U.S. EPA in asserting that Ford may be a potentially responsible party as to these sites.

Should Ford obtain access through our Freedom of Information Act request or otherwise to documents or other information establishing that Ford may be a potentially responsible party, our position regarding payment of past response costs and performance of future response activities would, of course, be subject to modification.

Very truly yours,



Robert E. Costello  
Senior Attorney

REC:ljd  
enclosure

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION V

In the Matter of:	)	
	)	
Ninth Avenue Dump, Gary, Indiana	)	FORD MOTOR COMPANY'S
U.S. Scrap, Chicago, Illinois	)	RESPONSE TO
	)	INFORMATION REQUEST

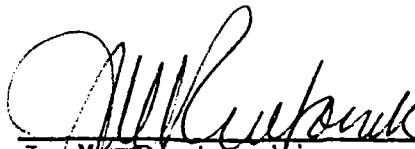
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Ford Motor Company ("Ford") objects to this Information Request on the grounds, among others, that (a) the United States Environmental Protection Agency ("USEPA") has not established the prerequisites set forth in §104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9604 ("CERCLA"), as amended by Title One of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499 ("SARA"), which authorizes the USEPA to seek certain information; (b) Section 3007 of the Resource Conservation and Recovery Act as amended, 42 U.S.C. §6927 ("RCRA"), is inapplicable to Ford in the circumstances of this matter; (c) the Request purports to require that written statements and documents submitted in response be certified and notarized although such is not required by CERCLA or SARA; (d) the Request purports to impose a continuing obligation to supplement Ford's response although no supplementation is required by CERCLA or SARA; (e) the definition of "shipping documents" in the Request is overly broad and seeks to impose obligations which are unduly burdensome and oppressive and not required by CERCLA or SARA; (f) the definition of "waste materials" contained in the Request is overly broad and seeks to impose obligations which are unduly burdensome and oppressive in that it

encompasses materials not within the purview of CERCLA or SARA; and (g) the Request seeks certain information neither authorized by CERCLA or SARA nor relevant to the subject matter of the Request including, but not limited to, information regarding liability insurance coverage when ability to pay is not in issue.

Without waiving or in any way limiting any objection which it has or may have to the Information Request, Ford states that it has conducted a reasonable search of the records of its Chicago Assembly Plant and inquired of those employees reasonably likely to possess relevant information and thereupon responds to the numbered items contained in the Information Request as follows:

1. No responsive information was located as a result of the search described above.
2. No responsive documents were located as a result of the search described above.
3. Ford assumes that your Request to identify liability insurance seeks "information regarding the ability of a person to pay for or to perform a clean up" as authorized under §104(e)(2)(c) of SARA. Please note as indicated in Ford's Annual Report for 1987 that as of December 31, 1987, Ford had a net worth of approximately \$18,492,700,000. If additional information with respect to Ford's ability to pay clean up costs at this site is required, please explain the reason why the information is sought.

  
\_\_\_\_\_  
J. M. Rintamaki  
Assistant Secretary



QUESTIONS? CALL 800-238-5355 TOLL FREE.

AIRBILL  
NUMBER

48868177

7175H

4886817784

7175H

Date

4-22-88

From (Your Name) Please Print:

Robert R. Costello

Your Phone Number (Very Important)

(313) 722-1966

Company

FORD MOTOR CO/OGC

Department/Floor No.

Street Address

1 PARKLANE TOWERS W STE 300

City

DEARBORN

State

MI

ZIP Required For Correct Invoicing

48126

To (Recipient's Name) Please Print:

Susan Swales SW-12

Recipient's Phone Number (Ver

Department/Floor No.

U.S. EPA - Region 5 Office

Exact Street Address (Use of P.O. Boxes or P.O. Zip Codes Will Delay Delivery And Result In Extra

230 South Dearborn Street

City

Chicago

State

Illinois

ZIP Street Address Zip

60604

YOUR BILLING REFERENCE INFORMATION (FIRST 24 CHARACTERS WILL APPEAR ON INVOICE)

DEPT K-29

HOLD FOR PICK-UP AT THIS FEDERAL EXPRESS LOCATION:

Street Address (See Service Guide or Call 800-238-5355)

Federal Expre

Base Charges

PAYMENT

Bill Sender

Bill Recipient's FedEx Acct. No.

Bill 3rd Party FedEx Acct. No.

Bill Credit Card

Cash

SERVICES  
CHECK ONLY ONE BOX

DELIVERY AND SPECIAL HANDLING  
CHECK SERVICES REQUIRED

PACKAGES WEIGHT YOUR DECLARED VALUE BYER SIZE

- 1 ☐ **PRIORITY 1**  
Overnight Delivery  
Using Your Packaging
- 2 ☐ **Courier-Pak Overnight Envelope\***  
12" x 15"
- 3 ☐ **Overnight Box**  
15" x 17 1/2" x 3"
- 4 ☐ **Overnight Tube**  
36" x 6" x 6"
- 5 ☐ **STANDARD AIR**  
Delivery not later than  
second business day

- 1 ☐ **HOLD FOR PICK-UP**  
(Fill in Section H at right)
- 2 ☒ **DELIVER WEEKDAY**
- 3 ☐ **DELIVER SATURDAY** (Extra charge)
- 4 ☐ **DANGEROUS GOODS**  
(P-1 and Standard Air Packages only, Extra charge)
- 5 ☐ **CONSTANT SURVEILLANCE SERVICE (CSS)**  
(Extra charge) (Do Not Complete Section B)
- 6 ☐ **DRY ICE**
- 7 ☐ **OTHER SPECIAL SERVICE**
- 8 ☐ **SATURDAY PICK-UP**  
(Extra charge)

Received At  
1 ☐ Regular Stop  
2 ☒ One-Call Stop  
3 ☐ Drop Box  
4 ☐ B.S.C.  
5 ☐ Station  
Federal Express Corp. Employee No.

ZIP \* Zip Code of Street Address Required

Emp. No. Date

☐ Cash Received  
☐ Return Shipment  
☐ Third Party ☐ Chg. To Del. ☐ Chg. To Hold

Street Address

City State Zip

Received By

Other

Total Charges

PART #106001

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